

TUESDAY, SEPTEMBER 2, 1997

Civil ARMAND R. BIGLER ET AL. (Not for Publication)
No. vs.
C022953 D. BENVENUTI PROPERTIES, INC. ET AL.

The judgment (order) is reversed and the matter remanded for reconsideration in light of the views expressed herein. The Benvenuti defendants shall receive costs on appeal.

PUGLIA, P.J.

We concur: SCOTLAND, J.
RAYE, J.

Civil	RONALD S. YATES AS CONSERVATOR ETC.
No.	vs. (Not for Publication)
C020689	MICHAEL S. HAWES ET AL.
Civil	RONALD S. YATES AS CONSERVATOR ETC.
No.	vs.
C020534	JAMES R. WESTBROOK ET AL.

THE COURT:

....This modification does not change the judgment. Respondents' petitions for rehearing are denied.

FOR THE COURT:

SCOTLAND, Acting P.J.

RAYE, J.

Juvenile PAULETTE W. (Not for Publication)
No. vs.
C027090 SUPERIOR COURT OF PLACER COUNTY
PLACER COUNTY DEPARTMENT OF HEALTH AND
AND HUMAN SERVICES ET AL.

The petition and request for a stay are denied.

PUGLIA, P.J.

We concur: RAYE, J.
 MORRISON, J.

TUESDAY, SEPTEMBER 2, 1997 CONTINUED

Civil ARMAND R. BIGLER (Not for Publication)
No. vs.
C023297 RUST, ARMENIS & SCHWARTZ
Civil ARMAND R. BIGLER
No. vs.
C023645 RUST, ARMENIS & SCHWARTZ

The judgment of dismissal and order denying attorney fees are affirmed. The parties shall bear their own costs on appeal.

PUGLIA, P.J.

We concur: SCOTLAND, J.
RAYE, J.

WEDNESDAY, SEPTEMBER 3, 1997

Civil MARRIAGE OF BARRY LABASS AND CATHERINE MUNSEE
No. BARRY NEAL LABASS
C024945 vs.
CATHERINE WHITMAN MUNSEE

By the Court:

Appellant's petition for rehearing is denied.

Dated: September 3, 1997

SCOTLAND, Acting P.J.

Civil JOANNE CARMONA (Not for Publication)
No. vs.
C025508 STEVEN J. OLIVEIRA ET AL.

The judgment (order) is affirmed.

RAYE, J.

We concur: NICHOLSON, Acting P.J.
MORRISON, J.

WEDNESDAY, SEPTEMBER 3, 1997 CONTINUED

Crim. THE PEOPLE (Not for Publication)
No. vs.
C025168 SHAWN LEE WEST

The convictions in case numbers 95F5233 and NCR40436 are affirmed. That portion of the judgment ordering the sentence imposed in case number 95F5233 to run consecutive to the sentence in case number NCR40436 is vacated. The matter is remanded for resentencing in accordance with this opinion.

RAYE, J.

We concur: SIMS, Acting P.J.
NICHOLSON, J.

THURSDAY, SEPTEMBER 4, 1997

Civil TRC RESOURCES, INC. (Not for Publication)
No. vs.
C024723 SHASTA HYDROCARBONS, INC. ET AL.

The judgment is affirmed. Respondents shall recover their costs on appeal.

NICHOLSON, J.

We concur: PUGLIA, P.J.
SIMS, J.

Civil In re the Marriage of HAVEN G. and SCOTT D. POLLOCK
No. HAVEN G. POLLOCK (KIMBALL) (Not for Publication)
C025175 vs.
SCOTT D. POLLOCK

The judgment (order) is affirmed.

NICHOLSON, J.

We concur: SIMS, Acting P.J.
RAYE, J.

THURSDAY, SEPTEMBER 4, 1997 CONTINUED

Crim. THE PEOPLE (Not for Publication)
No. vs.
C023901 ROY LESTER BROOKS

If sentence has not yet been imposed on counts I and II, the trial court is directed to impose sentence on those counts. The trial court is further directed to stay the terms imposed on counts I and II, pursuant to Penal Code section 654, until the term imposed on count V is served, the stay then to become permanent. The trial court is further directed to modify the abstract of judgment accordingly and to forward a copy of the amended abstract of judgment to the Department of Corrections. In all other respects, the judgment is affirmed.

SIMS, Acting P.J.

We concur: RAYE, J.
MORRISON, J.

Crim. THE PEOPLE (Not for Publication)
No. vs.
C025088 ROBERT STANTON

The conviction is affirmed. The sentence is vacated and the matter is remanded to the trial court. On remand, the trial court shall impose an aggregate sentence of three years in prison or, if it declines to do so, shall give the defendant the opportunity to withdraw his plea of no contest and his admission of the prior prison term.

SIMS, Acting P.J.

We concur: MORRISON, J.
CALLAHAN, J.

FRIDAY, SEPTEMBER 5, 1997

Crim. THE PEOPLE
No. vs.
C021853 REGINALD MCKINNEY
By the Court:

Appellant's petition for rehearing is granted. The decision filed on August 7, 1997, is vacated, and the matter is resubmitted.

Dated: September 5, 1997

SCOTLAND, Acting P.J.

FRIDAY, SEPTEMBER 5, 1997 CONTINUED

Civil JOHN A. NERWINSKI (Not for Publication)
No. vs.
C025499 FOOTHILLS NEWSPAPERS, INC.

The award of attorney fees is modified by deleting the deposition-related fees and costs, leaving an award of \$2,307.60. As modified, the judgment is affirmed.

NICHOLSON, J.

We concur: SIMS, Acting P.J.
 RAYE, J.

Juvenile MATTHEW K. (Not for Publication)
No. vs.
C026753 SUPERIOR COURT OF SAN JOAQUIN COUNTY

SAN JOAQUIN COUNTY HUMAN SERVICES AGENCY ET AL.

The petition is denied.

PUGLIA, P.J.

We concur: SCOTLAND, J.
 RAYE, J.

Crim. THE PEOPLE (Not for Publication)
No. vs.
C021853 REGINALD MCKINNEY

The conviction is affirmed. The sentence is vacated and the matter is remanded to permit the trial court to exercise its discretion whether to strike the prior felony assault conviction.

SCOTLAND, Acting P.J.

We concur: MORRISON, J.
 SPARKS, J.

TUESDAY, SEPTEMBER 9, 1997

Crim. THE PEOPLE
No. vs.
C021885 ERIC CURTIS

By the Court:

Appellant's petition for rehearing is denied.

Dated: September 9, 1997

PUGLIA, P.J.

TUESDAY, SEPTEMBER 9, 1997 CONTINUED

Juvenile In re ALEJANDRIA S., A person coming under the Juvenile Court Law
No. SAN JOAQUIN COUNTY HUMAN SERVICES AGENCY
C026265 vs. (Not for Publication)
DOLORES G.
The orders appealed from are affirmed.
CALLAHAN, J.
We concur: BLEASE, Acting P.J.
MORRISON, J.

Juvenile In re OMAR M., A person coming under the Juvenile Court Law
No. THE PEOPLE (Not for Publication)
C025285 vs.
OMAR, M.
The judgment is affirmed.
MORRISON, J.
We concur: BLEASE, Acting P.J.
SIMS, J.

WEDNESDAY, SEPTEMBER 10, 1997

Civil SUNNYVALE ELEMENTARY SCHOOL DISTRICT ET AL.
No. vs. (Not for Publication)
C020177 KATHLEEN CONNELL, AS STATE CONTROLLER OF
THE STATE OF CALIFORNIA
The order granting the supplemental writ of mandate is reversed.
The parties shall bear their own costs on appeal.
SCOTLAND, Acting P.J.
We concur: NICHOLSON, J.
MORRISON, J.

Crim. THE PEOPLE (Not for Publication)
No. vs.
C025197 MIGUEL MORFIN ALVARES
Counts II, X, and XI are reversed. In all other respects, the judgment
is affirmed.
BLEASE, Acting P.J.
We concur: RAYE, J.
CALLAHAN, J

THURSDAY, SEPTEMBER 11, 1997

Crim. THE PEOPLE (Not for Publication)

No. vs.

C024604 WILLIE B. PENILTON

The judgment is affirmed.

NICHOLSON, J.

We concur: PUGLIA, P.J.

DAVIS, J.

Crim. THE PEOPLE (Not for Publication)

No. vs.

C024679 ROBERT JAMES FAIRWEATHER

The judgment is modified by striking the order imposing \$8,000 in attorneys fees. In all other respects, the judgment is affirmed.

NICHOLSON, J.

We concur: DAVIS, Acting P.J.

RAYE, J.

Crim. THE PEOPLE (Not for Publication)

No. vs.

C024671 ROBERT LAURENCE ESCOBEDO ET AL.

The judgment is modified by striking the section 1202.45 restitution fines. As so modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment and to forward a certified copy to the Department of Corrections.

NICHOLSON, J.

We concur: SIMS, Acting P.J.

RAYE, J.

Crim. THE PEOPLE (Not for Publication)

No. vs.

C024634 DARIS BULLOCK

The judgment is affirmed.

NICHOLSON, J.

We concur: PUGLIA, P.J.

DAVIS, J.

THURSDAY, SEPTEMBER 11, 1997 CONTINUED

Civil ROBERTA CAMPOS (Certified for Publication)

No. vs.

C021883 ELOISE ANDERSON ETC. ET AL.

The judgment is affirmed. Department shall recover costs on appeal.

RAYE, J.

We concur: SIMS, Acting P.J.

SPARKS, J.

FRIDAY, SEPTEMBER 12, 1997

Crim. THE PEOPLE

No. vs.

C019995 VESTER DENNIS HEMM

By the Court:

Appellant's petition for rehearing is granted. The decision filed on August 15, 1997, is vacated and the matter is resubmitted as of this date.

Dated: September 12, 1997

BLEASE, Acting P.J.

Crim. THE PEOPLE (Not for Publication)

No. vs.

C019995 VESTER DENNIS HEMM

The judgment is affirmed.

SCOTLAND, J.

We concur: BLEASE, Acting P.J.

SIMS, J.

Crim. THE PEOPLE (Not for Publication)

No. vs.

C025214 CARL WESTLEY WOLFE

The judgment is affirmed.

PUGLIA, P.J.

We concur: SCOTLAND, J.

CALLAHAN, J.

FRIDAY, SEPTEMBER 12, 1997 CONTINUED

Crim. THE PEOPLE (Not for Publication)
No. vs.
C023776 MIGUEL GARCIA

The judgment is affirmed. The trial court is directed to amend the abstract of judgment in accordance with this opinion and to send an amended copy the abstract of judgment to the Department of Corrections.

SCOTLAND, J.

We concur: BLEASE, Acting P.J.
 SIMS, J.

Crim. THE PEOPLE (Not for Publication)
No. vs.
C023912 HAROLD A. DURAN

The judgment is affirmed.

MORRISON, J.

We concur: BLEASE, Acting P.J.
 CALLAHAN, J.

Crim. THE PEOPLE (Not for Publication)
No. vs.
C024234 STEVEN LEE ARDIZZONE

The judgment is affirmed. The trial court is directed to amend the abstract of judgment in accordance with this opinion and to send a copy of the amended abstract to the Department of Corrections.

Juvenile In re REBECCA D., A person coming under the Juvenile Court Law
No. HUMAN SERVICES AGENCY (Not for Publication)
C026546 vs.

DEANNE D.

The orders of the juvenile court are affirmed.

SCOTLAND, J.

We concur: BLEASE, Acting P.J.
 SIMS, J.

FRIDAY, SEPTEMBER 12, 1997 CONTINUED

Crim. THE PEOPLE (Not for Publication)
No. vs.
C025036 WALTER WILLIAM PARKER

The judgment is affirmed.

MORRISON, J.

We concur: BLEASE, Acting P.J.
CALLAHAN, J.

MONDAY, SEPTEMBER 15, 1997

At 9:34 a.m., the court met in the Library and Courts Building for its regular appeals calendar.

Present: BLEASE, Acting Presiding Justice
DAVIS, Associate Justice
MORRISON, Associate Justice

Bailiff Palmer.
Calendar called.

Crim. THE PEOPLE
No. vs.
C023518 NABIL IBN MANLEY

Cause called. Diane E. Berley, court appointed counsel argued for Defendant-Appellant with additional citations. Kelly Elam LeBel, Deputy Attorney General argued for Plaintiff-Respondent. Cause submitted.

At 10:00 a.m., court recessed. At 10:03 a.m. court reconvened with the same panel except Acting Presiding Justice Sims in place of Acting Presiding Justice Blease.

Civil BOARD OF ADMINISTRATION ETC. ET AL.
No. vs.
C021663 PETE WILSON, AS GOVERNOR, ETC.

Cause called. Christian M. Keiner argued for Defendant-Respondent-X-Appellant. No appearance was made on behalf of Plaintiffs-Appellants-X-Respondents. Cause submitted.

MONDAY, SEPTEMBER 15, 1997 CONTINUED

At 10:04 a.m. court recessed. At 10:06 a.m. court reconvened with Acting Presiding Justice Blease, Associate Justice Davis and Associate Justice Raye.

Civil A. TEICHERT & SONS, INC.
No. vs.
C024714 ROBERT GILSTRAP ET AL.

Cause called. John P. McCarthy, of Rahn, Duval, Coyne, Drivon and McCarthy argued for Plaintiff-Appellant. Darla Westgate, of Curry and Westgate argued for Plaintiffs-Respondents. Cause submitted.

Civil LORIE A. RUMINSON
No. vs.
C024597 COUNTY OF COLUSA ET AL.

Cause called. Leon McCaslin argued for Plaintiff-Appellant. Roberta Franklin, of Downey, Brand, Seymour and Rohwer argued for Defendants-Respondents. Cause submitted.

Crim. THE PEOPLE
No. vs.
C012464 REGINALD CALVIN SMITH

Cause called. No appearance was made on behalf of Defendant-Appellant as argued having been waived and. Additional Citations were submitted on behalf of Plaintiff-Respondent. No appearance was made on behalf of Plaintiff-Respondent as argued having been waived. Cause submitted.

Court recessed at 10:35 a.m. until 9:30 a.m., Tuesday, September 16, 1997.

MONDAY, SEPTEMBER 15, 1997 CONTINUED

Crim. THE PEOPLE (Not for Publication)
No. vs.
C024928 JUNIOR LAZO KOSTIC
The judgment is affirmed.
SIMS, J.
We concur: PUGLIA, P.J.
SCOTLAND, J.

Crim. THE PEOPLE (Not for Publication)
No. vs.
C023460 RUBEN EATON
The judgment is affirmed.
SIMS, J.
We concur: PUGLIA, P.J.
MORRISON, J.

Crim. THE PEOPLE (Not for Publication)
No. vs.
C024643 EDVARD LEO LAURSEN, JR., ET AL.
The judgments are modified to impose criminal laboratory analysis fees of \$50. As modified, the judgments are affirmed. The trial court is directed to prepare new orders of probation reflecting this modification.
SCOTLAND, J.
We concur: PUGLIA, P.J.
NICHOLSON, J.

Crim. THE PEOPLE (Not for Publication)
No. vs.
C023179 SHAWN HAWK
The judgment is affirmed.
NICHOLSON, J.
We concur: SIMS, Acting P.J.
RAYE, J.

MONDAY, SEPTEMBER 15, 1997 CONTINUED

Civil ELAINE T. (Not for Publication)
No. vs.

C026680 SAN JOAQUIN COUNTY SUPERIOR COURT
DEPARTMENT OF HUMAN SERVICES

The petition as to Jacob, Kayle and Cassie is denied. The request for stay and the petition as to Jeremiah are dismissed.

BLEASE, Acting P.J.

We concur: SIMS, J.
DAVIS, J.

Juvenile In re LENITHA LANAY G., A person coming under the Juvenile Court
No. Law (Not for Publication)
C025672 HUMAN SERVICES AGENCY

VS.
RENETTE G.

The appeal is dismissed.

NICHOLSON, J.

We concur: SIMS, Acting P.J.
RAYE, J.